

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2006-092951

03/21/2011

JUDGE PRO TEM DENISE TOMAIKO
FOR COMMISSIONER ALYSSON H. ABE

CLERK OF THE COURT
L. Hart
Deputy

IN RE THE MATTER OF
SUZANNE LEAVITT SHREEVE

SUZANNE LEAVITT SHREEVE
137 S SAHUARO DR
GILBERT AZ 85233

AND

ERIC ANDREW CLEVINGER

ERIC ANDREW CLEVINGER
4752 E HOPI CIRCLE
MESA AZ 85206

JUDGE RYAN
RAMOND BRANTON PHY.D
1930 S ALMA SCHOOL ROAD #112
MESA AZ 85210

ENFORCEMENT HEARING

Courtroom 404 - SEF

2:16 p.m. This is the time set for Enforcement Hearing arising from Respondent/Father's pro per *Petition to Enforce Medical Expense Reimbursement* and Father's pro per *Petition to Enforce Parenting Time or Parenting Time for Non-Parents*, both filed on December 6, 2010. Petitioner/Mother, Suzanne Shreeve (hereinafter referred to as "Mother"), is present on her own behalf. Respondent/Father, Eric Clevenger (hereinafter referred to as "Father"), is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Prior to commencement of proceedings, Suzanne Shreeve and Eric Clevenger are sworn.

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LET THE RECORD REFLECT that the parties met informally with a Family Court Conference Center Officer prior to the commencement of today's hearing. The Court has been advised that the parties have reached partial agreements:

Parenting Time

Areas of Agreement:

- The Parenting Plan filed October 19, 2006 is the most current plan.
- Visitation will be every other weekend beginning March 25, 2011, on Friday after school and returning the child on Sunday by 8:00 pm. Visitation shall continue every other weekend thereafter.
- Schools breaks to be split as are split spring Mother 2 days and Father 3 days, Fall Mother 3 days and Father 2 and so on.

Areas of Disagreement:

- Summer.
- Mid-week visitation.

Mother's position: Mother requests Father's exercise his parenting time one week on and one week off throughout the summer, for a total of 4.3 weeks. Mother agrees to Tuesday visitation from after school until 7:00 p.m.

Father's position: Father requests 4.5 weeks uninterrupted weeks during summer, to begin at the end of the school year. Father requests the Tuesday visitations be overnight visitation.

The Court takes judicial notice that on February 9, 2011, Judge Ryan appointed Raymond Branton as a parenting coordinator and ordered that all of the matters regarding parenting time were to be handled by Dr. Branson. Because the issue of parenting time has been referred to Dr. Branton, the Court will not address Father's *Petition to Enforce Parenting Time or Parenting Time for Non-Parents* filed on December 6, 2010.

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Unreimbursed Medical Expenses

Areas of Agreement:

- Parties agree the unreimbursed medical is apportioned 25% to Petitioner and 75% to Father.
- Mother agrees to pay \$76.24 (25%) of the unreimbursed medical expenses totaling \$304.95 for the time period from April 1, 2010 through February 28, 2011 by no later than April 24, 2011.

Area of Disagreement: Reimbursement of filing fee

- Father requests reimbursement of service and filing fees totaling \$93.00.
- Mother disagrees with reimbursement to Father.

The Court takes judicial notice that the parties Consent Decree dated October 19, 2006 allocates the unreimbursed medical expenses at 50/50. The parties are advised that this Court is inclined to follow the parties' Consent Decree.

Father testifies that at the time the Consent Decree was signed, the parties had four minor children. As of this date, two of the parties' children have emancipated and the presumptive termination date for the third child, Eric, is July 31, 2016.

Mother testifies that since the parties divorced, she has incurred medical bills for the child and never requested reimbursement of her out-of-pocket expenses.

Mother and Father testify that they were not aware that the allocation of unreimbursed expenses changed to 75/25.

Father testifies that the total due for unreimbursed dental expenses is \$304.95 from Whiting Dental.

Mother testifies that she does not dispute Father's bill of \$304.98.

Mother testifies that she currently has receipts totaling \$218.48 but over the past four years, her unreimbursed medical expenses total approximately \$900.00.

The Court is in receipt of Mother's pro per *Petition for Enforcement of Medical/Dental/Vision Expenses and Cross-Petition for Reimbursement of Medical* filed on March 9, 2011.

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Discussion is held regarding Mother's cross petition.

2:46 p.m. Court recesses in order for the parties to discuss Mother's receipts.

4:54 p.m. Court reconvenes with respective parties present.

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Father testifies that the parties have come to agreement that Mother is responsible for bills that she has not paid yet. The parties further agree that Mother shall pay directly to Father, the sum of \$72.00 for unreimbursed medical expenses for the time period April 1, 2010 through February 28, 2011 by no later than April 24, 2011.

The parties further agree that from this day forward, the allocation for uncovered medical dental and medical expenses is 50/50.

Father and Mother both testify that they have heard and understood the agreement as read on the record and that this is, in fact, their agreement.

THE COURT THEREFORE FINDS that the agreement entered into between the parties is not unfair, is reasonable, and is in the best interest of the parties' minor child/ren.

IT IS THEREFORE ORDERED approving the agreement of the parties, as read into the record this date, as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

The parties shall account to one another for the children's uncovered healthcare expenses in accordance with Section 9.A of the Arizona Child Support Guidelines, which provides that a party seeking reimbursement for uninsured medical, dental, or vision costs shall make request for reimbursement to the other party within 180 days after the date the services occur and shall provide receipts or other evidence of payments actually made upon request of the other party. The party responsible for reimbursement must pay his or her share, or make acceptable payment arrangements, within 45 days after receipt of the request.

As to the issue of reimbursement of filing fees and service costs to Father,

IT IS ORDERED denying Father's request for reimbursement of filing fees.

4:58 p.m. Matter concludes.

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IT IS ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

DATED this 21st day of March, 2011.

/s/ HONORABLE DENISE TOMAIKO

DENISE TOMAIKO
JUDGE PRO TEM OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE
FEE CURRENTLY IN EFFECT**

This Courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the JAVS and FTR courtrooms.

If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least seven (7) days before the commencement of the proceedings.

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.